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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,636	04/13/2006	Chang-Yeop Hwang	97176	4649
24628	7590	04/29/2009		
Husch Blackwell Sanders, LLP Husch Blackwell Sanders LLP Welsh & Katz 120 S RIVERSIDE PLAZA 22ND FLOOR CHICAGO, IL 60606			EXAMINER AMEILUNEN, BARBARA J	
			ART UNIT 3694	PAPER NUMBER
			MAIL DATE 04/29/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/575,636	Applicant(s) HWANG, CHANG-YEOP
	Examiner B. Joan Amelunxen	Art Unit 3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 09 January 2009.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-19 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-19 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 13 April 2006 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1668)
 Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____
 5) Notice of Informal Patent Application
 6) Other: _____

DETAILED ACTION

Status of Claims

1. Claims 1-19, of US Application 10/575,636, are being considered herein, of which:
 - (a) Independent Claims 1, 2, 18, and 19 have been amended,
 - (b) Dependent Claims 3, 7, and 14 have been previously presented,
 - (c) Dependent Claims 4-6, 8-13, and 15-17 are original claims, and
 - (d) Overall, Claims 1-19 are pending.

Remarks to Amendments/Arguments

2. Applicant's remarks filed on January 9, 2009 have been fully considered. However, they are not persuasive.
3. **Regarding Applicant's Remarks about the 35 U.S.C. 112 rejections, second paragraph (see Remarks, Page 10):**

(a) Regarding Claims 1(a), 2(a), 18 (1st limitation), and 19 (1st limitation) as per Office Action Item (4), page 2: Due to the amendments, the rejections are withdrawn.

(b) Regarding Claims 1(d) and 18 (d) as per Office Action Item (5), page 3: Due to the amendments, the rejections are withdrawn.

(c) Regarding Claims 2(c) and 19(c) as per Office Action Item (6), page 3: Due to the amendments, the rejections are withdrawn.

(d) Regarding Claims 18 and 19 as per Office Action Item (8), page 4: Due to the amendments, the rejections are withdrawn.

4. Regarding Applicant's Remarks about the 35 U.S.C. 101 rejections (see Remarks, Page 10) of Claims 1-17 are moot due to the amendments, and all the rejections are withdrawn by the Examiner.

5. Regarding Applicant's Remarks about the 35 U.S.C. 102(b) rejections as being anticipated by Edwin Gonzalez (US 2005/0075958) (see Remarks, Page 12 [¶ 3] till Page 13 [¶ 1]), of Claims 1(a) and 18(a), it is stated that:

Gonzalez does not disclose Claims 1(a) and 18(a): "...the purchaser terminal (e.g. desktop, notebook, PDA, mobile phone or other terminals accessible to Internet shopping malls) is provided with a payment page while purchasing a product at a

shopping mall. In this payment page, production transaction information including product information and price information are automatically displayed as default setting. In the payment page, the user inputs a mobile phone number and an authentication code and then presses a check button. Then, the payment approving server receives the production transaction information, the mobile phone number and the authentication code."

It is obvious that Applicant paraphrased the above recitation, as Examiner was unable to find that language in Claims 1(a) and 18(a). Therefore, the argument will be considered moot.

6. Regarding Applicant's Remarks about the 35 U.S.C. 102(b) rejections as being anticipated by Edwin Gonzalez (US 2005/0075958) (see Remarks, Page 13 [¶ 2]), of Claims 1(b) and 18(b), it is stated that:

Gonzalez does not disclose Claims 1(b) and 18(b): "...the mobile phone number and the authentication code are transmitted to the mobile communication service provider server who will receives (sic) a purchase price from the user, thereby requesting authentication. Then, the service provider server checks whether the mobile phone number is an effective number of the subscriber in service, and then confirms the authentication code that is used for identifying the subscriber himself/herself."

It is obvious that Applicant paraphrased the above recitation, as Examiner was unable to find that language in Claims 1(b) and 18(b). Therefore, the argument will be considered moot.

7. Regarding Applicant's Remarks about the 35 U.S.C. 103(a) rejections as being unpatentable over Edwin Gonzalez (US 2005/0075958), in view of Kim et al. (US 2005/0086164) (see Remarks, Page 16 (unnumbered) [¶ 2]). It is noted that in view of Applicant's amendments to the claims, the claims now stand rejected as being unpatentable over Dutta et al. (US 2003/0097444), in view Kim et al. (US 2005/0086164). Applicant claims that :

As Gonzalez in view of Kim does not explicitly disclose the following limitation, Dutta, in view of Kim does disclose the following limitations of these amended claims:

(a) [Paraphrased] Claims 1(a) and 18(a): "...*if a user, accessing a shopping mall server* (not in Claims 9 and 16 as stated by Applicant), *inputs mobile phone number and an authentication code*" (see Gonzalez: cellular phone 10; Figs. 1-3; [¶¶ 0001, 0018, 0022-0024]). However, Dutta et al. does disclose the above: (Abstract, **Fig. 4**; [¶¶ 0003, 0005, 0006, 0021, 0030, 0034, 0036, 0038])

Examiner was unable to find this language of "mobile phone number" in the claim. Therefore, the remarks will be considered moot.

(b) (Claims 2 and 19: "...*a mobile phone number*..."

Examiner was unable to find this language of "mobile phone number" in the claim. Therefore, the remarks will be considered moot.

(c) [Paraphrased] Claims 1 and 18: "... *in a payment page window where product description (or, product name) and product price are displayed as default section and then pushes a check button, the payment approving server automatically receives production transaction information and mobile phone number and authentication code...*" . (See Dutta et al.: Claims 1, 7, 12-18, 23-27, 30-33, 39-42; **Figs. 2-9**; [¶¶ 0005, 0010-0016, 0020-0024, 0030-0031, 0034-0038]).

Examiner was unable to find this language mentioned above in the claim. Therefore, the remarks will be considered moot.

(d) [Paraphrased] Claims 2(a) and 19(a): "... [automatically] receives product transaction information + mobile phone number..." (see Gonzalez: cellular phone **10**; **Figs. 1-3**; [¶¶ 0001, 0018, 0022-0024] and Dutta et al.: **Fig. 1**; Abstract; Claims 7, 17-18, 33; [¶¶ 0005-0007, 0021, 0023, 0027, 0030-0031, 0033, 0036]). It is noted that nowhere in the specification or the claims is the word "automatically" utilized. Therefore, the remark will be considered moot.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

10. Claims 1 and 2 cite "associated". However, this language (or term) is unclear to one of ordinary skill. Applicant does not provide a definition for the term "associated". (*In re Zletz*, 13 USPQ2d 1320 (Fed. Cir. 1989)).

In accordance with the standard definition, the term "associated" is so broad so as to include "*to bring together or into relationship in any of various intangible ways (as in memory or imagination)*", see Merriam-Webster Dictionary, 9th edition, 1991:

as-soc-i-ate \əs-sōshēt\, **at**\ ət\ **at-ed**\ ət-ēd\ **at-ing**\ ət-ēng\ [ME *associat* associated, fr. L *associatus*, pp. of *associare* to unite, fr. *ad-* + *sociare* to join, fr. *socius* companion — more at *SOCIAL*] **w** (14c) **1** : to join as a partner, friend, or companion — more at *SOCIAL*] **w** (14c) **1** : to join as a partner, friend, or companion **2** **obs** : to keep company with : **ATTEND** **3** : to join or connect together : **COMBINE** **specif** : to subject to chemical association **4** : to bring together or into relationship in any of various intangible ways (as in memory or imagination) **~ vi** **1** : to come or be together as partners, friends, or companions **2** : to combine or join with other parts : **UNITE** **syn** see *JOIN*

11. Claims 1(a), 2(a), 18, and 19 cite "... *that accesses the electronic shopping mall server...*". However, this language (or term) is unclear to one of ordinary skill. Is this a limitation? Or is it mere background information? (*In re Zletz*, 13 USPQ2d 1320 (Fed. Cir. 1989)). Correction and/or clarification is required.

12. Claims 1(c), 1(d), 2(c), 2(e), 18, and 19 are rejected under 35 U.S.C. 112, 2nd paragraph, as the phrases "...when the mobile communication service provider server transmits..." and "when the purchaser mobile terminal using WAP..." are directed to a future event, that may or may not happen. It has been held that actions that may or may not be done are indefinite and do not distinguish the claim from the prior art (*In re Collier*, 158 USPQ 266 (CCPA 1968)).

13. Claims 1(d), 2(c), 18, and 19 each recite the limitation "... the mobile terminal phone..." There is insufficient antecedent basis for this limitation in each of these claims. Therefore, the limitation should read "... a mobile terminal phone... ". Correction is required.

14. Claims 1(d), 2(c), 18, and 19 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: "... *the mobile terminal phone number received from the purchaser ...*" and "... *the mobile terminal number already received...*". If there is a "*mobile terminal number **already** received*", that means that there has to be a 1st and 2nd number received, and it may seem that a step is herein missing. Correction and clarification is required.

15. Therefore, Claims 3-10 and 11-17 are also rejected, as the each depend on Claims 1 and 2 respectively.

Claim Rejections - 35 USC § 102

16. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United

States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

17. Claims 1-3 and Claims 18-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Dutta et al. (US 2003/0097444, hereinafter referred to as "Dutta").

Regarding Claims 1 and 18: Dutta discloses:

(a) receiving, from a purchaser terminal that accesses the electronic shopping mall server, product transaction information including product information and price information of a product to be purchased together with a mobile terminal number of the purchaser and an authentication code for identifying the purchaser (see Dutta: cellular phone 103; Abstract; **Figs. 2a, 4**; ¶¶ 0001, 0003, 0005-0006, 0021, 0030, 0034, 0036, 0038);

(b) requesting payment certification with transmitting payment certification information including the mobile terminal number and the purchaser-identifying authentication code to the mobile communication service provider server, and then

waiting for a response (see Dutta : **Fig. 1**; Claim 1; [¶¶ 0005-0006, 0006, 0020-0021, 0023, 0030, 0033-0035, 0036, 0038]);

(c) transmitting SMS (Short Message Service) including URL callback for linking WAP access of the payment approving server to the purchaser mobile terminal through the mobile communication service provider server when the mobile communication service provider server transmits a certification success code as a result of inquiring the mobile communication subscriber database with the use of the payment certification information (see Dutta : Abstract; Claim 38; [¶¶ 0006,0022-0023, **0030-0031**, 0035]); and

(d) approving the payment under the condition that the mobile terminal phone number received from the purchaser a mobile terminal in WAP is identical to the mobile terminal number already received in the electronic shopping mall server when the purchaser mobile terminal using WAP services accesses the payment approving server with the use of the URL callback (see Dutta : Abstract; [¶¶ 0005-0006,0024, 0028, **0032, 0036**]).

Regarding Claims 2 and 19: Dutta discloses:

(a) receiving, from a purchaser terminal that accesses the electronic shopping mall server, product transaction information including product information and price information of a product to be purchased together with a mobile terminal number of the

purchaser (see Dutta: cellular phone **103**; Abstract; **Figs. 1, 2a**; [¶¶ 0001, 0003-0006, 0021-0022, 0024];

(b) transmitting SMS including URL callback for linking WAP access of the payment approving server to the purchaser mobile terminal through the mobile communication service provider server (see Dutta: Abstract; [¶¶ 0006,0022, 0023, **0030**]);

(c) receiving a purchaser-identifying authentication code from the purchaser mobile terminal under the condition that the mobile terminal phone number received from the purchaser mobile terminal in WAP is identical to the mobile terminal number already received in the electronic shopping mall server when the purchaser mobile terminal using the WAP service accesses the payment approving server with the use of the URL callback (see Dutta: Abstract; [¶¶ 0005-0006,0024-0028, **0032, 0036**]);

(d) requesting payment certification with transmitting payment certification information including the mobile terminal number and the purchaser-identifying authentication code to the mobile communication service provider server, and then waiting for a response (see Dutta: [¶ 0028]); and

(e) approving the payment when the mobile communication service provider server transmits a certification success code as a result of inquiring the mobile communication subscriber database with the use of the payment certification information (see Dutta: Abstract; [¶¶ 0005-0006,0024, 0028, **0032, 0036**]);

Regarding Claim 3: Dutta discloses: The method for approving electronic payment according to claim 1

- wherein the purchaser-identifying authentication code is a resident registration number of the purchaser or a secret number registered to the mobile communication service provider server by the purchaser (see Dutta: Abstract; [¶¶¶ 0003, 0005, 0023, 0030, 0033]).

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 4-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta et al. (US 2003/0097444, hereinafter referred to as “Dutta”), and in view of Kim et al. (US 2005/0086164, hereinafter referred to as “Kim”).

Regarding Claims 4 and 11: Dutta discloses the previous claim.

Dutta does not specifically disclose: wherein, in the step (c)/(e), the certification success code is transmitted under the conditions that:

- as a result of inquiring the mobile communication subscriber database by the mobile communication service provider server, it is determined that the mobile terminal number is recorded in the mobile communication subscriber database and a mobile communication charge of the purchaser is not delayed.

However, Kim does disclose: wherein, in the step (c)/(e), the certification success code is transmitted under the conditions that (see Kim: Abstract):

as a result of inquiring the mobile communication subscriber database by the mobile communication service provider server, it is determined that the mobile terminal number is recorded in the mobile communication subscriber database and a mobile communication charge of the purchaser is not delayed (see Kim: Abstract; mobile phone 100; **Fig. 2**; ¶¶ 0002, 0004, 0022, 0024-0025).

It would have been obvious to a person of ordinary skill in the art to modify Dutta’s teachings with Kim’s process, because Kim discloses an alternate variation on Dutta’s method of certifying success in paying electronically using a mobile phone.

Regarding Claims 5 and 12: Dutta discloses the previous claim.

Dutta does not specifically disclose: wherein, in the step (c)/(e), the certification success code is transmitted under the conditions that:

- as a result of inquiring the mobile communication subscriber database by the mobile communication service provider server, it is determined that the mobile terminal number is recorded in the mobile communication subscriber database, a mobile communication charge of the purchaser is not delayed, and the purchaser mobile terminal is not terminated or suspended.

However, Kim does disclose: wherein, in the step (c)/(e), the certification success code is transmitted under the conditions that:

as a result of inquiring the mobile communication subscriber database by the mobile communication service provider server, it is determined that the mobile terminal number is recorded in the mobile communication subscriber database, a mobile communication charge of the purchaser is not delayed, and the purchaser mobile terminal is not terminated or suspended (see Kim: Abstract; mobile phone 100; Fig. 2; ¶¶ 0006, 0022, 0025-0028, 0038, 0041, 0045, 0048-0049, 0051-0052]).

It would have been obvious to a person of ordinary skill in the art to modify Dutta's teachings with Kim's because they are related technologies and Kim discloses a method of using the mobile terminal number recorded to charge the purchase when the purchase is made.

Regarding Claims 6 and 13: Dutta discloses the previous claim.

Dutta does not specifically disclose: wherein, in the step (c)/(e), the certification success code is transmitted under the conditions that:

- as a result of inquiring the mobile communication subscriber database by the mobile communication service provider server, it is determined that the mobile terminal number is recorded in the mobile communication subscriber database, a mobile communication charge of the purchaser is not delayed, the purchaser mobile terminal is not terminated or suspended, and the purchaser-identifying authentication code input from the purchaser terminal is identical to a purchaser-identifying authentication code recorded in the mobile communication subscriber database.

However, Kim does disclose: wherein, in the step (c)/(e), the certification success code is transmitted under the conditions that:

as a result of inquiring the mobile communication subscriber database by the mobile communication service provider server, it is determined that the mobile terminal number is recorded in the mobile communication subscriber database, a mobile communication charge of the purchaser is not delayed, the purchaser mobile terminal is not terminated or suspended, and the purchaser-identifying authentication code input from the purchaser terminal is identical to a purchaser-identifying authentication code recorded in the mobile communication subscriber

database (see Kim: Abstract; mobile phone 100; **Fig. 2**; [¶¶] 0006, 0022, 0024-0028, 0038, 0041, 0045, 0048-0049, 0051-0052]).

It would have been obvious to a person of ordinary skill in the art to modify Dutta's teachings with Kim's because they are related technologies and Kim discloses an alternative method of using the mobile's purchaser-identifying authentication code input from the purchaser terminal for using as a purchaser-identifying authentication code recorded in the mobile communication subscriber database.

Regarding Claims 7 and 14: Dutta and Kim disclose the previous claims.

Dutta does not specifically disclose: wherein the mobile communication subscriber database stores a predetermined payment limit capable of being settled by the mobile terminal and a total payment accumulated until now,

- wherein, in the step (b)/(d), the price information is further transmitted to the mobile communication service provider server, and
- wherein, in the step (c)/(e), the certification success code is transmitted under the additional condition that as a result of inquiring the mobile communication subscriber database by the mobile communication service provider server, it is determined that a sum of the accumulated total payment and the price is not exceeding the payment limit.

However, Kim does specifically disclose: wherein the mobile communication subscriber database stores a predetermined payment limit capable of being settled by the mobile terminal and a total payment accumulated until now (see Kim: ¶ 0024),

- wherein, in the step (b)/(d), the price information is further transmitted to the mobile communication service provider server (see Kim: Abstract; ¶ 0011), and
- wherein, in the step (c)/(e), the certification success code is transmitted under the additional condition that as a result of inquiring the mobile communication subscriber database by the mobile communication service provider server, it is determined that a sum of the accumulated total payment and the price is not exceeding the payment limit (see Kim: Abstract; mobile phone 100; **Figs. 1, 2**; ¶¶ 0004, 0006, 0008, 0011-0013, 0016-0017, 0021-0022, 0024-0028, 0038, 0041, 0043, 0045, 0048-0049, 0051-0052, 0059-0060]).

It would have been obvious to a person of ordinary skill in the art to modify Dutta's teachings with Kim's because they are related technologies and Kim discloses an alternative mobile purchaser-identifying authentication code method which includes determining that the price is not exceeding the payment limit.

Regarding Claims 8 and 15: Dutta discloses the previous claim.

Dutta does not specifically disclose: wherein, in the step (d)/(c), the access to WAP is conducted by means of manipulation of a call button provided on the purchaser mobile terminal.

However, Kim does specifically disclose: wherein, in the step (d), the access to WAP is conducted by means of manipulation of a call button provided on the purchaser mobile terminal (See Kim: ¶ 0025]).

It would have been obvious to a person of ordinary skill in the art to modify Dutta's teachings with Kim's in order that the access to WAP is conducted by means of manipulation of a call button provided on the purchaser mobile terminal, such as a “*89” number, which would be the call number to request the payment to the payment transaction server 300, because Dutta and Kim disclose related technologies and Kim discloses an alternative way of accessing the WAP by means of manipulation of a call button provided on the purchaser mobile terminal.

Regarding Claims 9 and 16: Dutta discloses the previous claim.

Dutta does not specifically disclose: wherein, in the step (a), a member store code of the electronic shopping mall server is further received from the purchaser terminal,

- wherein, after the step (d)/(e), the method further comprises the step of storing a mobile terminal number of the payment-approved mobile terminal, a payment-approved price, a payment-approved product information, a member store

code of the electronic shopping mall server and a payment approval date in a payment approval database.

However, Kim does specifically disclose: wherein, in the step (a), a member store code of the electronic shopping mall server is further received from the purchaser terminal,

- wherein, after the step (d), the method further comprises the step of storing a mobile terminal number of the payment-approved mobile terminal, a payment-approved price, a payment-approved product information, a member store code of the electronic shopping mall server and a payment approval date in a payment approval database (see Kim: member store code or code for member store or merchant store code **400**; Abstract; mobile phone **100**; **Figs. 1, 2, 4A & 4B**; [¶¶ 0022, 0025-0028, 0038-0039, 0041-0042, 0044-0048, 0050-0057, 0061]).

It would have been obvious to a person of ordinary skill in the art to modify Dutta's teachings with Kim's in order to store a mobile terminal number of the payment-approved mobile terminal, a payment-approved price, a payment-approved product information, a member store code of the electronic shopping mall server and a payment approval date in a payment approval database because Dutta and Kim disclose related technologies and Kim discloses an obvious modification of the Dutta system.

Regarding Claims 10 and 17: Dutta discloses the previous claim.

Dutta does not specifically disclose: further comprising the steps of, after the step (d)/(e):

- transmitting a payment approval code to the electronic shopping mall server; and
- storing a payment-approved price, a payment-approved product information and a payment approval date in a selling information database by the electronic shopping mall server under the condition that the payment approving code is received.

However, Kim does disclose:

- transmitting a payment approval code to the electronic shopping mall server (see Kim: Abstract; **Figs. 1, 2, 4**; [¶¶ 0002, 0004, 0011, 0017-0024]); and
- storing a payment-approved price, a payment-approved product information and a payment approval date in a selling information database by the electronic shopping mall server under the condition that the payment approving code is received (see Kim: member store code or code for member store or merchant store code **400**; Abstract; mobile phone **100**; **Figs. 1, 2, 4A & 4B**; [¶¶ 0004, 0006, 0008, 0011-0013, 0016-0017, 0021-0022, 0024-0028, 0038-0039, 0041-0042, 0044-0048, 0050-0057, 0061]).

It would have been obvious to a person of ordinary skill in the art to modify Dutta's teachings with Kim's in order to transmit a payment approval code to the electronic shopping mall server; and store a payment-approved price, a payment-approved product information and a payment approval date in a selling information

database by the electronic shopping mall server under the condition that the payment approving code is received because Dutta and Kim disclose related technologies and Kim discloses an obvious modification of the Dutta system.

Conclusion

20. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

•Tomoike, Hiroyuki (US 20010029498) discloses: Payment acting service method and system.

•Tomoike, Hiroyuki (US 20020017561) discloses: Electronic payment system using accounting function in a mobile communication network.

•Hui, Helen Shan-Shan et al. (US 20020073027) discloses: Mobile payment system.

•Lansing, Paul et al. (US 20020083009) discloses: System and method for completing on-line transactions and micro-transactions.

•Gerson, Howard (US 20020107007) discloses: Method for wireless telephony payment and an apparatus therefor.

•Urabe, Akio (US 20020128929) discloses: Electronic commerce system and electronic commerce method.

•Kumar et al. (US 2002/0143634) discloses: Wireless Payment System.

•William Wai Lun Yip (US 2002/0147913) discloses: Tamper-proof mobile commerce system.

•Lei, Jonathan L. et al. (US 20030158891) discloses: Utilizing mobile devices as a communication proxy for non-connected terminals.

- Horn, Michael et al. (US 20040002917) disclose: Method and arrangement for electronically transferring an amount of money from a credit account memory.
- Kim, Min-Suh (US 2004/0068448) discloses: Electronic financial transaction system and method providing real-time authentication service through wire/wireless communication network.
- Kuth, Rainer et al. (US 20040083168) disclose: Payment system for cashless payment transactions.
- Edwin Gonzalez, (US 2005/0075958) disclose: Cellular phone financial device.
- Kim et al. (US 2005/0086164) disclose: Method for paying a charge using a mobile phone.
- Labrou, Yannis et al. (US 20050187873) disclose: Wireless wallet.
- CORDERY R A et al. (US 20050203854) disclose: Online transaction method using mobile phone, involves establishing link with entity using direct link data obtained from decoded bar codes, and authenticating initiated transactions using digital signature.
- Das, Pradeep K. et al. (US 20050203854) disclose: Method and system for using a camera cell phone in transactions .
- Gray, R. O'Neal (US 20050224575) discloses: System and method for facilitating the purchase of goods and services.
- Hitalenko; Boris et al. (US 20060106699) disclose: System and method for conducting secure commercial order transactions.

•Kim; Min-Suh (US 20070005492) discloses: Electronic settlement method by conditional trade.

•Urabe; Akio (US 20070299739) discloses: Electronic Commerce System and Electronic Commerce Method.

•Fitzgerald; Shawn V. et al. (US 20080048025) disclose: Method for Electronic Payment.

•Sehr; Richard P. (US 6565000) discloses: System and methods utilizing passport documents.

•Sehr; Richard P. (US 6609658) discloses: Travel system and methods utilizing multi-application traveler cards.

•Sehr; Richard P. (US 6910628) discloses: Travel system and methods utilizing multi-application airline passenger cards.

•Gray; R. O'Neal et al. (US 7275685) discloses: Method for electronic payment.

•Urabe; Akio (US 7308424) discloses: Electronic commerce system and electronic commerce method.

•Tomoike; Hiroyuki (US 7343344) discloses: Electronic payment system using accounting function in a mobile communication network.

•Villaret; Jean-Marc et al. (US 7428507) disclose: System and arrangement for processing payments for purchases through a payment server.

•Khai Hee Kwan (US 7,487,126) discloses: Computer Network Method for conducting payment over a network by debiting and crediting utilities accounts.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara J. Amelunxen whose telephone number is (571) 270-5297. The examiner can normally be reached on Monday-Friday -- 07:30-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B. J. A./
Examiner, Art Unit 3694

April 21, 2009

/James P Trammell/

Application/Control Number: 10/575,636
Art Unit: 3694

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Supervisory Patent Examiner, Art Unit 3694